106 CRA-D-263-DB-2004(O&M)

RESHAM SINGH **V/S** STATE OF HARYANA

Present: Mr. Lal Singh Sandhu, Advocate
for the applicant-appellant.

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CRM No.47619 of 2013(O&M)

A perusal of the application shows that Resham Singh, the present appellant, died on 09.11.2007. The present application, though titled to be one under Section 482 Cr.P.C. is filed in terms of Section 394 of Cr.P.C. Sub-Section (2) of Section 394 Cr.P.C. contemplates that an application to continue with the appeal has to be filed within 30 days. There is no averment in the application to explain the long delay in filing the application. The only grievance raised by the applicant is that a suit has been filed against the appellant under the Fatal Accidents Act, 1855, and, therefore, the finding of the Civil Court will prejudice the defence in the said case.

The judgment of conviction rendered by the criminal Court is not binding on the Civil Court. The Civil Court has to decide the suit on the basis of evidence which is led before it. Reference may be made to RSA No.2751 of 2003 titled as ***'Baljit Kaur and others Vs. Gamdoor Singh @ Jiwan Singh and others'*** decided on 12.07.2013.

In view thereof, we do not find any merit to entertain the applications, at this stage.

The applications are dismissed.

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Since the sole appellant is dead, the appeal is also disposed of as abated.

(HEMANT GUPTA)
JUDGE

NOVEMBER 25, 2013 **(FATEH DEEP SINGH)**
'D. Gulati' **JUDGE**

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